

FILED

2018 AUG 29 PM 4:19

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

UNITED STATES OF AMERICA,

Plaintiff,

v.

XAVIER HEMPSTEAD,

Defendant.

) INDICTMENT

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CASE NO.

JUDGE GAUGHAN
1-18 CR 489

Title 18, Sections 922(g)(1),
924(a)(2) and 924(d)(1), United
States Code; Title 21, Sections
841(a)(1), (b)(1)(B), (b)(1)(C),
846 and 853, United States Code;
Title 28, Section 2461(c), United
States Code

COUNT 1

(Conspiracy to Possess with the Intent to Distribute Cocaine Base (Crack), in violation of
21 U.S.C. §§ 841(a)(1), (b)(1)(B) and 846)

The Grand Jury charges:

1. Beginning as early January 1, 2012, and continuing through May 4, 2018, the exact dates to the Grand Jury unknown, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendant XAVIER HEMPSTEAD, and others, known and unknown to the Grand Jury, did unlawfully, knowingly, and intentionally combine, conspire, confederate, and agree together and with each other, and with diverse others known and unknown to the Grand Jury, to possess with the intent to distribute 28 grams or more of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B) and 846.

COUNT 2

(Distribution of Cocaine Base (Crack), in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

2. On or about February 20, 2018, in the Northern District of Ohio, Eastern Division, Defendant XAVIER HEMPSTEAD did knowingly and intentionally distribute approximately 0.53 grams of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 3

(Distribution of Cocaine Base (Crack), in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

3. On or about March 1, 2018, in the Northern District of Ohio, Eastern Division, Defendant XAVIER HEMPSTEAD did knowingly and intentionally distribute approximately 0.56 grams of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 4

(Distribution of Cocaine Base (Crack), in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

4. On or about March 7, 2018, in the Northern District of Ohio, Eastern Division, Defendant XAVIER HEMPSTEAD did knowingly and intentionally distribute approximately 1.06 grams of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 5

(Distribution of Cocaine Base (Crack), in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

5. On or about March 14, 2018, in the Northern District of Ohio, Eastern Division, Defendant XAVIER HEMPSTEAD did knowingly and intentionally distribute approximately 0.67 grams of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 6

(Distribution of Cocaine Base (Crack), in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

6. On or about March 21, 2018, in the Northern District of Ohio, Eastern Division, Defendant XAVIER HEMPSTEAD did knowingly and intentionally distribute approximately 0.48 grams of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 7

(Distribution of Cocaine Base (Crack), in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

7. On or about March 29, 2018, in the Northern District of Ohio, Eastern Division, Defendant XAVIER HEMPSTEAD did knowingly and intentionally distribute approximately 0.76 grams of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 8

(Distribution of Cocaine Base (Crack), in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

8. On or about April 10, 2018, in the Northern District of Ohio, Eastern Division, Defendant XAVIER HEMPSTEAD did knowingly and intentionally distribute approximately 1.38 grams of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 9

(Distribution of Cocaine Base (Crack), in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

9. On or about April 18, 2018, in the Northern District of Ohio, Eastern Division, Defendant XAVIER HEMPSTEAD did knowingly and intentionally distribute approximately 0.65 grams of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 10

(Distribution of Cocaine Base (Crack), in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

10. On or about May 1, 2018, in the Northern District of Ohio, Eastern Division, Defendant XAVIER HEMPSTEAD did knowingly and intentionally distribute approximately 0.74 grams of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 11

(Possession of a Firearm by Convicted Felon, in violation of
18 U.S.C. §§ 922(g)(1) and 924(a)(2))

The Grand Jury further charges:

11. On or about May 4, 2018, in the Northern District of Ohio, Eastern Division, Defendant XAVIER HEMPSTEAD, having been convicted of crimes punishable by imprisonment for a term exceeding one year, to wit: Robbery, Case Number CR-02-431544, in Cuyahoga County Court of Common Pleas, on or about April 3, 2003; Felonious Assault with Firearms Specifications, Case Number CR-05-467515, in Cuyahoga County Court of Common Pleas, on or about March 31, 2006; Having Weapons While Under Disability, Case Number CR-14-588420, in Cuyahoga County Court of Common Pleas, on or about August 26, 2014, did knowingly possess in and affecting interstate commerce, firearms, that is, a Ruger, Model P95, 9mm pistol, bearing serial number 33900063; a Ruger, Model Mini-14, .223 caliber rifle, bearing serial number 58204631, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

FORFEITURE

The Grand Jury further charges:

12. For the purpose of alleging forfeiture pursuant to 21 U.S.C. § 853, 18 § U.S.C. 924(d)(1), and 28 § U.S.C. 2461(c), the allegations of Counts 1 through 11 are incorporated herein by reference. As a result of the foregoing offenses, Defendant XAVIER HEMPSTEAD shall forfeit to the United States any and all property constituting, or derived from, any proceeds he obtained, directly or indirectly, as the result of such violations; any and all of his property used or intended to be used, in any manner or part, to commit or to facilitate the commission of

such violations; and any and all property (including firearms and ammunition) involved in or used in the commission of such violations.

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.